1		THE HONORABLE JAMES L. ROBART	
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7	UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE		
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9	ATSEA	IILE	
10	UNITED STATES OF AMERICA,	No. 2:12-cv-01282-JLR	
11	Plaintiff,		
12		DECLARATION OF STEPHEN RUSHIN IN	
13	V.	SUPPORT OF THE UNITED STATES' RESPONSE TO THE COURT'S ORDER TO	
14	CITY OF SEATTLE,	SHOW CAUSE	
15	Defendant.		
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17	I, Stephen Rushin, declare as follows:		
18	I am an Assistant Professor of Law	at Loyola University in Chicago, Illinois. I	
19 20	teach Criminal Law, Evidence, and Police Accountability. I am over the age of 18 and		
21	competent to testify in court about the matters stated herein.		
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23	2. I am the author of a law review article that will be published in the University of		
24	Il Pennsylvania Law Review in 2019 entitled "Police Disciplinary Appeals." In the course of		
25	researching that article, I compiled a database of more than 650 collective bargaining agreements		
26	("CBAs") entered between police unions and municipalities from across the United States.		
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3. As part of my research, I also conducted a comprehensive review of the CBAs in my database with a specific focus on provisions related to officer discipline and disciplinary appeals. Based upon my research, I have concluded that it is typical of CBAs to include an option for officers to appeal disciplinary decisions to arbitration. Further, it is common for CBAs to not provide any specific guidance on the appropriate burden of proof other than including a requirement of "cause," "just cause," or "good cause." Examples include the CBAs for the Portland Police Department, the Oakland Police Department, the Boise Police Department, and the Tacoma Police Department

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of February, 2019.

Professor Stephen Rushin

1	CERTIFICATE OF SERVICE		
2	I hereby certify that on February 13, 2019, I electronically filed the foregoing with the		
3	Clerk of the Court using the CM/ECF system, which sends notification of such filing to the		
4	following counsel of record:		
5	g		
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22			
23	DATED this 13th day of February, 2019, at Seattle, King County, Washington.		
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25		S/Brittany Cirineo  Pritteny Cirineo I agal Assistant (Contractor)	
26		Brittany Cirineo, Legal Assistant (Contractor)	
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